

**Congress of the United States**  
**Washington, DC 20515**

The Honorable Lloyd J. Austin III  
Secretary of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301-1000

January 25, 2024

Dear Secretary Austin,

Thank you for the Department's redoubled efforts to increase outreach to lesbian, gay, and bisexual veterans who were discharged under less than honorable conditions for their sexual orientation prior to the repeal of "Don't Ask, Don't Tell" (DADT) 12 years ago.

Advocates and historians have estimated that since World War II until repeal, some 114,000 soldiers, sailors, airmen, and marines were discharged because of who they loved – many with less than honorable discharges that endangered future job prospects, home ownership loans, educational opportunities, and health and disability veterans' benefits.

Congress made the right call in 2010 when it passed the Don't Ask, Don't Tell Repeal Act into law. The policy officially ended in 2011, ensuring any American who wishes to serve in uniform can do so without discrimination because of who they love.

However, since DADT repeal, many veterans who sought to upgrade their less than honorable discharges reported a prolonged and burdensome process, often requiring the use of a lawyer, to seek the respect and benefits they rightfully earned. And far too many veterans discharged under DADT had no idea they could seek an upgrade or where to start the process.

The numbers bear this out. According to the Department's latest figures from March 2023, of the 32,837 veterans separated under the "Homosexual Conduct" policy in the period between 1980 and DADT repeal, only 18,642, or 57%, received Honorable Discharges.

Of those who received less than honorable discharges, only 1,683 have applied to have their discharge upgraded, and of that, only 1,406 have received at least some form of relief – leaving a vast majority of less than honorable discharges under DADT and the preceding policy uncorrected.

Given this, I appreciate the Department's September 2023 decision to proactively review records of service members dismissed under DADT and forwarding these cases to the respective service secretaries for consideration for potential correction through the service boards. I also appreciate your work increasing outreach efforts to ensure that all veterans know their options to upgrade their previous dismissals.



While I appreciate the Department's efforts to date, I request your assistance in transmitting the following information to allow oversight of the implementation of these crucial efforts.

Please provide the following answers and information no later than March 1st:

1. What are the current figures, by service, for total applications received to correct the records of individuals charged under DADT or a similar previous policy, total applications relief granted, total applications requests denied, and the respective percentages for granted and denied?
2. Of the application requests which have been denied, how many of those denials are based on "aggravating factors in the record?"
3. Are there any statutory limitations that affect the ability of the Department to complete the proactive review of records, or the ability to upgrade discharges to honorable status?
4. Are there any budgetary limitations that affect the ability of the Department to complete the proactive review of records, or the ability to upgrade discharges to honorable status?
5. From initiating an application for review to a final decision, what was the average wait time prior to the September 2023 decision? How has that wait time changed since September 2023?
6. Since September 2023, has the percentage of applications being granted changed in any substantial way?
7. Since the announcement of proactive review of cases, how many cases have been proactively reviewed by the Department?
8. Of those proactive reviews, how many cases have been forwarded to the respective service chief for possible upgrades by review boards?
9. What is the current timeline for completion of proactive cases?
10. Has the Department considered proactive review of records of veterans discharged prior to the "Don't Ask, Don't Tell" period beginning February 28, 1994?

Thank you for your service to our nation and for your timely response to this oversight request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rob Garcia', with a stylized flourish at the end.

Robert Garcia  
Member of Congress

A handwritten signature in blue ink, appearing to read 'Mark Pocan', with a circular flourish at the end.

Mark Pocan  
Member of Congress

A handwritten signature in black ink, appearing to read 'Chris Pappas', with a stylized flourish at the end.

Chris Pappas  
Member of Congress